

Department of Agriculture, Conservation and Forestry  
Maine Land Use Planning Commission

Proposed Chapter 10, Section 10.25,Q,1,g Rule Amendments  
Regarding Subdivision Exemptions

04-061 CHAPTER 10

10.25Q

**Q. SUBDIVISION AND LOT CREATION**

This section governs the division of lots and the creation of subdivisions.

**1. Counting Parcels, Lots, or Dwelling Units Under the Definition of Subdivision.**

....

- g. Exempt lots.** The following divisions are exempt when counting lots for purposes of subdivision, unless the intent of such transfer is to avoid the objectives of 12 M.R.S.A. Chapter 206-A. ~~Future divisions of such exempted lots are not exempt unless one of the exemptions in 10.25,Q,1,g,(1) –(8) is again met for that division:~~

....

- (2) Retained Lots. A lot is not counted as a lot for the purposes of subdivision if it is retained by the person dividing the land, and for a period of at least 5 years:
- (a) is retained and not sold, platted, leased, conveyed or further divided, except for transfer to an abutter pursuant to Section 10.25,Q,1,g(3) below; and
  - (b) is used solely for forest or agricultural management activities and associated structures and development such as buildings to store equipment or materials used in forest or agricultural management activities, land management roads, driveways, or natural resource conservation purposes.
- Only one retained lot exempt under this Section 10.25,Q,1,g,(2) may be created from any one existing parcel.
- (3) Transfers to an Abutter and Contiguous Lots. A lot transferred to an abutting owner of land is not counted as a lot for the purposes of subdivision provided the transferred property and the abutter's contiguous property is maintained as a single merged parcel of land for a period of 5 years. Where a lot is transferred to an abutter, or two or more contiguous lots are held by one person, the contiguous lots are considered merged for regulatory purposes except for:
- (c) lots that are part of a subdivision approved by the Commission;
  - (d) a land division certified by the Commission as qualifying under 12 M.R.S.A. §682-B; or
  - (e) as provided in Section 10.11.

If the property exempted under this paragraph is transferred within 5 years to another person without all of the merged land, then the previously exempt division creates a lot or lots for purposes of Section 10.25, Q.

# Rule-Making Fact Sheet

(5 MRSA §8057-A)

AGENCY: **MAINE LAND USE PLANNING COMMISSION,  
Department of Agriculture, Conservation & Forestry**

NAME, ADDRESS, PHONE NUMBER OF AGENCY CONTACT PERSON: Jean A. Flannery, 106 Hogan Road, Suite 7, Bangor, Maine, 04401, (207)941-4590.

CHAPTER NUMBER AND RULE TITLE: Chapter 10 Land Use Districts and Standards, Section 10.25,Q,1,g regarding subdivision exemptions

STATUTORY AUTHORITY: 12 M.R.S.A. § 685-A(3); and § 685-C(5)(A)

DATE AND PLACE OF PUBLIC HEARING: No public hearing is planned.

COMMENT DEADLINE: Written comments must be submitted on or prior to July 19, 2013.

## PRINCIPAL REASON OR PURPOSE FOR PROPOSING THIS RULE:

The Maine Land Use Planning Commission proposes to amend Chapter 10, Section 10.25Q,1,g of the Land Use Districts and Standards regarding subdivision exemptions. The Commission proposes the revisions in order to further clarify the intent of the rules.

## ANALYSIS AND EXPECTED OPERATION OF THE RULE:

These rule changes will further define subdivision exemptions and allow for easier interpretation of the rules.

FISCAL IMPACT OF THE RULE: There will be no measurable fiscal impact of these rule changes.

***FOR RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE***

**ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:**

**INDIVIDUALS OR GROUPS AFFECTED AND HOW THEY WILL BE AFFECTED:**

**BENEFITS OF THE RULE:**

*Note: If necessary, additional pages may be used.*